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FACSIMILE SUBMISSION UNDER 37 CFR 1.8

TO:	FROM:
Mail Stop Issue Fee	Jason D. Kelly
Examiner - Rex R. Holmes	
COMPANY:	DATE:
U.S. Patent & Trademark Office	OCTOBER 11, 2007
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571-272-8827	1023-359US01
RE:	APPLICATION SERIAL NUMBER:
Interview Summary	10/826,926

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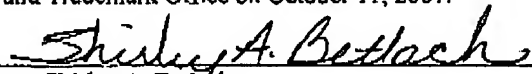
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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kenneth T. Heruth; Confirmation No. 1025
Keith A. Miesel
Serial No.: 10/826,926
Filed: April 15, 2004 Customer No.: 28863
Examiner: Rex R. Holmes
Group Art Unit: 3762
Docket No.: 1023-359US01
Title: COLLECTING POSTURE INFORMATION TO EVALUATE THERAPY

CERTIFICATE UNDER 37 CFR 1.8 I hereby certify that this correspondence is being transmitted via facsimile to the United States Patent and Trademark Office on October 11, 2007.

By:



Name: Shirley A. Betlach

INTERVIEW SUMMARY

Commissioner for Patents
Alexandria, VA 22313-1450

Dear Sir:

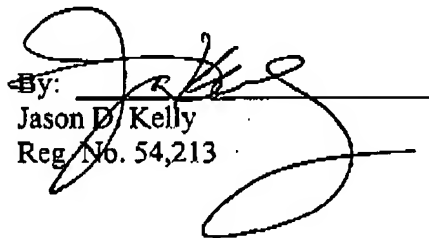
In a telephonic interview, on October 11, 2007, Examiner Holmes and Applicant's representative, Jason D. Kelly, discussed the above-referenced application. No exhibits were presented. Agreement was reached regarding the filing of a Terminal Disclaimer.

In particular, Examiner Holmes indicated that he believed that an obviousness-type double patenting rejection of claim 1 of the present application would be proper in view of claims 1-6 of commonly assigned application no. 10/826,926. Examiner Holmes suggested filing a terminal disclaimer to secure allowance of the present application.

Application Number 10/826,926

Applicant's representative noted that the double patenting rejection could only be provisional, because claims 1-6 of application no. 10/826,926 had not been patented. Applicant's representative suggested that, if the provisional double patenting rejection was the only issue precluding allowance of the present application, it should be withdrawn, and the issue should be addressed in the prosecution of application no. 10/826,926. Nevertheless, Applicant's representative agreed to file a Terminal Disclaimer in the present application relative to application no. 10/826,926 to expedite allowance of the present application.

Date: 10-11-07
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By: 
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